

Alafat, Beth

From: Marsh, Michael
Sent: Thursday, May 09, 2019 5:34 PM
To: 'Clement, Jay L CIV USARMY CENAE (US)'
Cc: Alafat, Beth; LeClair, Jacqueline; Kern, Mark; Timmermann, Timothy
Subject: RE: NECEC Applications Hard Copies

Hi Jay - Just returned from vacation, and am getting back up to speed...

The April 19, 2019 email predated EPA's comment letter on the Corps public notice. However, the information requested in the email is also requested in our comment letter.

Along with the other information requested in our comment letter, one of the most critical pieces of missing information is the complete and detailed alternatives analysis required to demonstrate compliance with the Section 404(b)(1) guidelines. A range of alternatives must be fully analyzed, including a description and comparison of the direct, secondary and cumulative impacts associated with each alternative, and the measures taken to avoid, and where unavoidable, minimize impacts. This includes but is not limited to consideration of alternative routes for the project, including alternative border crossing locations, as well as alternative installation methods, such as full or partial underground installation of the transmission lines, including underground installation along existing roadway, railway or other previously disturbed linear corridors.

With regard to impacts, in addition to total project impacts, it would be helpful if direct, secondary and cumulative impacts are broken out by project segment. That is, for the proposed alternative, the applicant should describe the amounts and extent of the various types of impacts (wetland, stream/riparian, vernal pool, rare species impacts, etc.) resulting from the project that are located in: 1) the segment on new alignment; 2) the segments on existing alignment that are proposed to be widened; and 3) the segments on existing alignment that do not require widening, except in small areas. Similarly, it would be helpful to have the project alternatives considered in the alternatives analysis include descriptions of both total direct, secondary and cumulative impacts, as well as those impacts broken out by project segment.

Please see our comment letter for more detail on the alternatives analysis and on other needed information.

Thanks,

Mike

Michael Marsh
EPA New England - Region 1
5 Post Office Square, Suite 100
Mail Code 06-3
Boston, MA 02109-3912

Email: marsh.mike@epa.gov
Telephone: 617-918-1556
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-----Original Message-----

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>
Sent: Wednesday, May 8, 2019 12:38 PM
To: Marsh, Michael <marsh.mike@epa.gov>; Kern, Mark <kern.mark@epa.gov>
Cc: Alafat, Beth <alafat.beth@epa.gov>
Subject: RE: NECEC Applications Hard Copies

Guys:

I never got a response from you to this email. Not sure whether it predated the drafting of EPA's public notice response or not. Please clarify where you are in your information requirements.

Jay

-----Original Message-----

From: Clement, Jay L CIV USARMY CENAE (US)
Sent: Tuesday, April 23, 2019 1:55 PM
To: Marsh, Michael <marsh.mike@epa.gov>; 'Mirabile, Gerry J.' <Gerry.Mirabile@cmpco.com>; Kern, Mark <kern.mark@epa.gov>
Cc: Lauren Johnston <lajohnston@burnsmcd.com>; Mark Goodwin <magoodwin@burnsmcd.com>
Subject: RE: NECEC Applications Hard Copies

Mike:

I'd like to sort through what you feel you need and don't. Our application package consists of our form filled out and then the DEP's application. That is acceptable. Obviously there's been a lot of additional information generated since that initial package, for both us and the DEP or both. That was kind of the point of the spreadsheet with the web links, so you could pick what was relevant to your review and what wasn't. Would you like CMP to fine tooth comb that a little for you to sort out additional information on alternatives or mitigation for example?

Jay

-----Original Message-----

From: Marsh, Michael [mailto:marsh.mike@epa.gov]
Sent: Friday, April 19, 2019 11:54 AM
To: 'Mirabile, Gerry J.' <Gerry.Mirabile@cmpco.com>; Kern, Mark <kern.mark@epa.gov>
Cc: Alafat, Beth <alafat.beth@epa.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; Lauren Johnston <lajohnston@burnsmcd.com>; Mark Goodwin <magoodwin@burnsmcd.com>; LeClair, Jacqueline <Leclair.Jackie@epa.gov>; Timmermann, Timothy <Timmermann.Timothy@epa.gov>
Subject: [Non-DoD Source] RE: NECEC Applications Hard Copies

Gerry and Lauren,

Just to expand on what Mark Kern said in his email, EPA is requesting a complete and up-to-date CWA Section 404 application, revised to reflect the project as currently proposed. This is needed for the purposes of the Corps' and EPA's CWA Section 404 permit review. This includes a complete and detailed alternatives analysis, and any other supporting information that addresses compliance with EPA's CWA Section 404(b)(1) guidelines.

Currently, information on the project appears to be located in part with the Corps and in part on the ME DEP website, where information pertinent to the CWA Section 404 permit appears to be combined with other project information. EPA was sent an email with attachments including an Excel spreadsheet containing several links to documents concerning the project. We are not sure if this represents all of the supporting information specifically for the CWA Section 404 permit. We note that there does not appear to be a copy of the revised CWA Section 404 permit application. Also, there appear to be links to documents that are not CWA Section 404 permit information.

The information necessary for the CWA Section 404 permitting decision, including a complete CWA Section 404 application and information demonstrating compliance with the CWA Section 404(b)(1) guidelines, should be consolidated, organized and maintained so that it is readily available for review by regulatory and resource agencies, and by the public, and ultimately included in the administrative record for the Corps' final permit decision. Regarding format, pdf and/or DVD format is acceptable to EPA. If pdfs are too large to be emailed as attachments, a consolidated, descriptive list of links to pdfs focused on CWA Section 404 information is acceptable. After receiving the electronic versions, we will let you know if hard copies are necessary.

Hope this is helpful.

Thanks,

Mike

Michael Marsh

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From: Mirabile, Gerry J. <Gerry.Mirabile@cmpco.com>
Sent: Wednesday, April 17, 2019 9:34 AM
To: Kern, Mark <kern.mark@epa.gov>
Cc: Marsh, Michael <marsh.mike@epa.gov>; Alafat, Beth <alafat.beth@epa.gov>; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil>; Lauren Johnston <lajohnston@burnsmcd.com>; Mark Goodwin <magoodwin@burnsmcd.com>
Subject: RE: NECEC Applications Hard Copies

Mark,

Attached is an email to you and others on April 1; I apologize if this did not reach its destinations. This email includes the spreadsheet with hyperlinks to the MDEP that you requested below.

Let me know if you need something else on this. Lauren Johnston will contact you to review the other information you have requested.

Thanks very much.

Gerry J. Mirabile

Manager – NECEC Permitting

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From: Kern, Mark [mailto:kern.mark@epa.gov <mailto:kern.mark@epa.gov>]
Sent: Tuesday, April 09, 2019 11:46 AM
To: Lauren Johnston; Clement, Jay L CIV USARMY CENAE (US); Marsh, Michael
Cc: Mirabile, Gerry J.; Mark Goodwin
Subject: EXTERNAL: RE: NECEC Applications Hard Copies

Hi Lauren,

Thank you for getting back to us. Mike please jump in and add to this. Here is my take on what would make sense.

There has been relatively little coordination with EPA on this project to date. We have been left to looking through the State websites and there appears to be lots of information to wade through, but little organization that centers on the wetland program (Section 404 and NEPA) that would focus our review.

So, I do not want the entire record, just the things relevant to the 404 program. This would include any impacts to wetlands, streams, rare species, alternatives, mitigation, etc. We had also asked about a paper or spreadsheet that gives us the key links on the State website for the 404 program, and Gerry and others thought that was doable. I do not think we ever got that.

I do not need other things, such as how it would change property values or the scenic landscape. Those issues may be quite important and necessary for the Corps public interest review, but they are not things that I would focus on.

We were hoping for pdf's, 1 hard copy, and a DVD copy. If pdf's are not possible, then perhaps 2 hard copies and 2 DVD's would work.

Thanks for your help. Mark

From: Johnston, Lauren A <lajohnston@burnsmcd.com <mailto:lajohnston@burnsmcd.com> >
Sent: Tuesday, April 09, 2019 9:53 AM
To: Kern, Mark <kern.mark@epa.gov <mailto:kern.mark@epa.gov> >; Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil <mailto:Jay.L.Clement@usace.army.mil> >; Marsh, Michael <marsh.mike@epa.gov <mailto:marsh.mike@epa.gov> >
Cc: 'Gerry.mirabile@cmpco.com' <Gerry.mirabile@cmpco.com <mailto:Gerry.mirabile@cmpco.com> >; Goodwin, Mark <magoodwin@burnsmcd.com <mailto:magoodwin@burnsmcd.com> >
Subject: NECEC Applications Hard Copies

Good Morning,

As I understand, the EPA is requesting hard copies of the applications and supporting information. I'd like some clarification whether you would like the entire record or just a subset. The entire filed record is several thousand pages and currently we do not have a hard copy but can arrange printing if necessary. It should not be a problem to produce DVD's of the entire record.

With regards to emailing pdf attachments, that is not possible to email the documents due to file size limits. The spreadsheet with the MDEP web links offers a directory and access to download the pdf files directly from the website.

Please let me know what materials you'd like and also the format.

Happy to assist, thanks!

Lauren Johnston, CPESC \ Burns & McDonnell

Senior Environmental Scientist

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-----Original Message-----

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil <mailto:Jay.L.Clement@usace.army.mil> >

Sent: Monday, April 01, 2019 6:20 AM

To: Mirabile, Gerry J. <Gerry.Mirabile@cmpco.com <mailto:Gerry.Mirabile@cmpco.com> >; Goodwin, Mark <magoodwin@burnsmcd.com <mailto:magoodwin@burnsmcd.com> >; Johnston, Lauren A <lajohnston@burnsmcd.com <mailto:lajohnston@burnsmcd.com> >

Subject: FW: 2019-03-28 Hearing Schedule.docx

FYI

-----Original Message-----

From: Marsh, Michael [mailto:marsh.mike@epa.gov]

Sent: Friday, March 29, 2019 5:24 PM

To: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil <mailto:Jay.L.Clement@usace.army.mil> >

Subject: [Non-DoD Source] RE: 2019-03-28 Hearing Schedule.docx

Hi Jay - Just following up on our meeting at the Corps earlier this week. As we discussed, EPA requests copies of the 404 application and supporting information for the CMP NECEC project. Regarding formats, hopefully the application and other supporting documentation can be transmitted to Mark Kern and myself via email as pdf attachments. In addition, we request one hard copy and one DVD copy if available. Please let me know if this presents any problem.

Thanks,

Mike

Michael Marsh

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-----Original Message-----

From: Clement, Jay L CIV USARMY CENAE (US) <Jay.L.Clement@usace.army.mil <mailto:Jay.L.Clement@usace.army.mil>
>

Sent: Friday, March 29, 2019 6:50 AM

To: Timmermann, Timothy <Timmermann.Timothy@epa.gov <mailto:Timmermann.Timothy@epa.gov> >; Kern, Mark <kern.mark@epa.gov <mailto:kern.mark@epa.gov> >; Alafat, Beth <alafat.beth@epa.gov <mailto:alafat.beth@epa.gov> >; Marsh, Michael <marsh.mike@epa.gov <mailto:marsh.mike@epa.gov> >

Cc: Wende_Mahaney@fws.gov <mailto:Wende_Mahaney@fws.gov> ; Pauley, Melissa <Melissa.Pauley@hq.doe.gov <mailto:Melissa.Pauley@hq.doe.gov> >

Subject: 2019-03-28 Hearing Schedule.docx

This is a more printable update that was sent out yesterday by DEP along with a finding that they may, if necessary, allow the hearing procedure to bleed into another day to be determined in May. I guess the success of the proceedings next week will determine the need.

Jay

PS: I told Melissa this but if anyone is inclined to attend any of the hearings and has the need for lodging, I'd recommend the Comfort Inn which is at the Farmington/Wilton town line on Route 4. Anything else and you're taking your chances. As of last week they still had some rooms. Failing that, you may wish to commute each day from Augusta. Augusta has a variety of chain hotel choices. It's about a 45 min drive.

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